



INTELLECTUAL PROPERTY  
402-391-4448

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September 30, 2006

Commissioner for Patents  
Box: 1450  
Alexandria, VA 22313-1450

RE: APPLICATION OF JOHS ET AL. TITLED: "ROTATING OR ROTATABLE  
SPECTROSCOPIC ELLIPSOMETER SYSTEM INCLUDING MULTIPLE ELEMENT  
LENSES";  
SERIAL NO.: 10/829,620;  
FILE DATE: 04/22/2004;  
ART UNIT: 2877;  
EXAMINER: ISIAKA O. AKANBI.

Dear Sir;

I am in receipt of an Action dated 09/26/06 regarding the  
identified Application.

The Examiner has Allowed Claims 1-4 and 12, but rejected  
Claims 5-11 and 13-15 based on Sections 103 and 102 in view of a  
Patent to Jellison Jr. et al. No. 5,956,147.

In response, Applicant accepts Allowance of Claims 1-4 and  
12 and in this Application abandons Claims 5-11 and 13-15. Said  
Canceled Claims will again be presented in a CIP. This response  
is not an admission that Claims 5-11 and 13-15 are not  
Patentable. In fact, it is strongly forwarded that said Claims  
are Patentable as the present Application has priority over  
Jellison 147 via a Chain of Priority, and further, Jellison does  
not describe a rotating or rotatable compensator system, but  
rather a modulation element system which is very different.  
This will be focused on in a forthcoming Application.

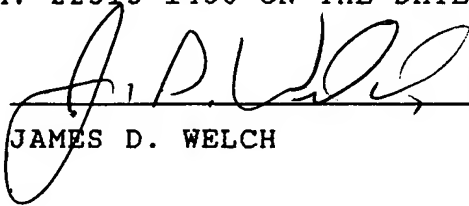
Sincerely,

JAMES D. WELCH

JW/hs

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THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR  
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PATENTS, BOX: 1450, ALEXANDRIA VA. 22313-1450 ON THE DATE  
INDICATED BELOW.

  
JAMES D. WELCH

9/3/06  
DATE